

they represented that the article was a product made from coconut oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made from coconut oil, whereas, in truth and in fact, it was not, but was a product made in part from cottonseed oil.

On May 17, 1921, a plea of nolo contendere to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**9397. Adulteration and misbranding of shelled peanuts. U. S. \* \* \* v. 3 Bags of Shelled Peanuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14396. I. S. No. 2328-t. S. No. C-2768.)

On February 2, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bags of shelled peanuts, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the United Fig & Date Co., Chicago, Ill., on or about June 19, 1920, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of wood shavings and hulls.

Misbranding was alleged for the reason that the product was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9398. Misbranding of Pratt's Conditioner. U. S. \* \* \* v. 23 Bags \* \* \* of \* \* \* Pratt's Conditioner. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14844. I. S. No. 8215-p. S. No. E-3344.)

On April 29, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 23 bags of Pratt's Conditioner, remaining unsold in the original unbroken packages at Kingston, N. Y., alleging that the article had been shipped on or about September 29, 1920, by the Pratt Food Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bag) "\* \* \* it prevents \* \* \* Epizooty, \* \* \* Contagious Diseases, Restores the Wind, \* \* \* makes Cows give richer milk \* \* \* It positively prevents slinking of Calves, Coughs, Colds and common ailments. Hog Cholera Pratt's Conditioner prevents Hog Cholera and cures it if promptly used;" (circular) "\* \* \* to insure healthy foal in mares and make stallions' service sure, \* \* \* to make the bull's service sure \* \* \* For Hog Cholera.—In case of hog cholera or any other sickness, increase this dose \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of ground oats, wheat and weed

seeds, salt, Epsom salt, Glauber's salt, ferrous sulphate, and small amounts of ginger, caraway, fenugreek, and nux vomica.

It was alleged in substance in the libel that the article was misbranded for the reason that the above-quoted statements appearing on the bags containing the article and in the circulars accompanying it, regarding its curative and therapeutic effects, were false and fraudulent for the reason that the article did not contain any ingredients capable of producing the results claimed for it.

On June 2, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9399. Misbranding of Made-Rite flour. U. S. \* \* \* v. 1,296 \* \* \***  
**Sacks of Made-Rite Flour. Decree of condemnation and forfeiture.**  
**Product ordered released on bond. (F. & D. No. 14879. I. S. No.**  
**5060-t. S. No. E-3323.)**

On April 18, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,296 sacks, more or less, of Made-Rite flour, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Kansas Flour Mills, Kansas City, Mo., on or about February 8, 1921, and transported from the State of Missouri into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "\* \* \* 24½ Lbs. The Kansas Flour Mills Company Made-Rite Flour Kansas City, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement labeled on the packages containing the article, to wit, "24½ Lbs.," was false and misleading to the purchaser thereof, in that it misled him into the belief that said packages contained 24½ pounds net of the article, whereas said packages did not contain 24½ pounds net of the article, but contained a less amount, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 24½ pounds net of the article, whereas, in truth and in fact, they did not, but contained a less amount. Misbranding was alleged in substance for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated was not correct.

On May 6, 1921, the Genery Stevens Co., Worcester, Mass., claimant, having filed satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

**9400. Misbranding of Beecham's Pills. U. S. \* \* \* v. 36 Dozen Packages of \* \* \* Beecham's Pills. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 11050. I. S. No. 2989-r. S. No. W-471.)**

On August 25, 1919, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 36 dozen packages of Beecham's Pills, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the B. F. Allen Co., New York, N. Y., on June 27, 1919,